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Jessica Pallach

**IN THE PATENT COOPERATION TREATY**  
**INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY**

**Applicant: America Online Incorporated**

**International Application No. PCT/US03/39525**

**International Filing Date: 11 December 2003**

**Title: APPARATUS AND METHOD FOR SKIPPING SONGS WITHOUT DELAY**

**Attorney Docket No. AOL0111P**

International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

**AMENDMENT UNDER PCT ARTICLE 19**

In response to the International Search Report in the above-named Application, mailed on 6 December 2004, Applicant provides herewith the following remarks.

**REMARKS**

Applicant respectfully submits that Berman and Zainouline, taken alone or in combination, fail to teach, suggest, or render obvious the present invention as claimed.

Independent Claims 1, 6, and 16 recite an apparatus, method, and/or program storage medium comprising, *inter alia*, a buffer within a second memory, which pre-caches consecutively downloaded small portions of songs forming a sequence of songs to be played.